HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 209 of 2007

DATED: 13-02-2007

Between:

J.Prabhakar

…Petitioner

and

Kurnool Municipal Corporation, rep. by its Commissioner, Kurnool and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 209 of 2007

ORAL ORDER:

The petitioner established a water plant unit to vend mineral water in 2002. No Bureau of Indian Standards certificate was issued to the petitioner. In the circumstances, the respondents, by a notice dated 14-9-2006, directed the petitioner to close down his unit and seized the unit on 6-11-2006. The petitioner then submitted an application dated 21-4-2006 to the Bureau of Indian Standards, seeking certification. According to the petitioner, when the authorities of Bureau of Indian Standards came to inspect the water plant and found that the said unit is seized and locked, called upon the petitioner to attend to all the required repairs and spelt out the norms for consideration of issuing the certificate.

The petitioner is aggrieved that the respondents are not permitting him to make alterations, repairs and improvements to the plant so as to make it fit and eligible for obtaining necessary certification for eventual vending of mineral water.

The learned Standing counsel appearing on behalf of the respondents-Municipal Corporation states that the Municipal Corporation has no objection to the petitioner attending only to the repairs. He should not either manufacture or vend any water from the plant without obtaining the necessary certification from the Bureau of Indian Standards and submitting such certificate for the scrutiny of the respondent-Municipal Corporation. The petitioner has also filed a sworn affidavit dated 24-1-2007 to that effect.

Recording the undertaking given by the petitioner, the writ petition is disposed of directing the respondents-Corporation to open the seal of the water treatment plant of the petitioner only for the purpose of enabling the petitioner to make necessary alterations and repairs to the plant. The respondents, shall, however be at liberty to ensure that the petitioner does not manufacture or vend water till a certificate by the appropriate agency is issued.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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GODA RAGHURAM, J

13 -02-2007
GRR